

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION,

This Document Relates to: ALL CASES

Master Case No. C09-037 MJP

[Consolidated with: Case Nos.
CV09-0134 MJP, CV09-0137 MJP, and
CV09-01557 MJP]

**DEFENDANTS' MOTION FOR LEAVE
TO FILE OVER-LENGTH BRIEF IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

**NOTE ON MOTION CALENDAR:
March 29, 2012**

Pursuant to Local Civil Rule 7(f), Defendants WaMu Asset Acceptance Corporation, WaMu Capital Corporation, David Beck, Diane Novak, Richard Careaga and Rolland Jurgens (collectively, “Defendants”) respectfully request that the Court grant them leave to file a single motion for summary judgment not to exceed 48 pages in length.

Discovery in this case commenced on October 25, 2010. (Declaration of J. Wesley Earnhardt in Support of Defendants' Motion for Leave to File Over-Length Brief, dated Mar. 29, 2012 ("Earnhardt Decl.") ¶ 3.) In response to Plaintiffs' document requests, Defendants and non-party JPMorgan Chase Bank, N.A. produced over twenty-six million

*Defendants' Motion for Leave to File Over-Length Brief in Support of Motion for Summary Judgment:
(CV09-037 MJP) - 1*

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1 pages of documents. (Id.) Plaintiffs have taken twenty-three depositions of fact witnesses
2 (with one fact witness deposition remaining); Defendants have taken eighteen fact witness
3 depositions. (Earnhardt Decl. ¶ 4.) Discovery closes on April 3, 2012, and motions for
4 summary judgment are due April 13, 2012. (Earnhardt Decl. ¶ 5.)

5 Defendants request leave to file a 48-page summary judgment motion for the
6 following two reasons.

7 First, pursuant to Local Civil Rule 7(e), the six defendants are each entitled to file a
8 24-page motion. In lieu of doing so, Defendants propose filing a single motion not to exceed
9 48 pages to more efficiently and concisely present their arguments to the Court. Notably, this
10 is the same page limit that the Court deemed appropriate at the motion to dismiss stage of this
11 proceeding, before the extensive discovery record that now exists had been developed. (Dkt.
12 No. 118.)

13 Second, this is a complex litigation that involves multiple issues and an extensive
14 discovery record relating to thirteen securities issued through six separate offerings. Each of
15 the SEC filings alleged to include false and misleading statements is over a hundred pages
16 long and contains numerous disclosures relevant to the bases on which Defendants will seek
17 summary judgment. The parties have deposed forty separate fact witnesses and have
18 produced over twenty-six million pages of documents. Due to the size and complexity of this
19 case, Defendants require an extension of the page limits to adequately present their
20 arguments.

21 Defendants sought the consent of Plaintiffs' counsel to this extension. (Earnhardt
22 Decl. ¶ 2.) Plaintiffs refused, stating that they would oppose any extension of page limits,
23 even after Defendants indicated that they would agree to file a single brief on behalf of all

1 Defendants. (*Id.*) The only basis Plaintiffs have articulated for their position is that, in their
2 view, Defendants should not seek summary judgment in this matter. (*Id.*) Defendants believe
3 that they have meritorious and dispositive arguments as to why summary judgment is
4 warranted. Therefore, the parties are at an impasse with respect to this issue.
5

6 For the foregoing reasons, Defendants respectfully request that the Court grant them
7 leave to file a single over-length motion for summary judgment not to exceed 48 pages.
8

9 DATED this 29th day of March, 2012.
10

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13 By _____ s/ Brian C. Free
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Defendants' Motion for Leave to File Over-Length Brief in Support of Motion for Summary Judgment: (CV09-037 MJP) - 4

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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